

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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MERCK & CO., INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civ. Action No. 05-2575 (KSH)

**ORDER**

**Katharine S. Hayden, U.S.D.J.**

Plaintiff having made a motion for a new trial pursuant to Fed. R. Civ. P. 59(a) [D.E. 198], and the Court having considered the written submissions by the parties, and for the reasons expressed in the opinion filed herewith,

**IT IS** on this 28<sup>th</sup> day of April, 2010, hereby

**ORDERED** that plaintiff's motion is **denied**.

/s/Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.